

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Communications Assistance for Law)	ET Docket No. 04-295
Enforcement Act (CALEA) and)	
Broadband Access and Services)	RM-10865

**REPLY COMMENTS (OPPOSITION) OF
THE UNIVERSITY OF WYOMING**

TO: THE COMMISSION

The University of Wyoming, a Carnegie Foundation *Doctoral/Research Universities – Extensive* institution, respectfully submits the following comments in response to the Further Notice of Proposed Rulemaking adopted in *Communications Assistance of Law Enforcement Act and Broadband Access and Services*, First Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 04-295, FCC 05-153 (rel. Sept. 23, 2005) (“*Order*”).

The purpose of the University of Wyoming’s comments is to oppose the proposed rulemaking and request an exemption for higher education institutions.

The University of Wyoming endorses the comments filed by the Higher Education Coalition, The American Council on Education, Florida State University, and other universities. Without repeating the details from many similar comments, the University of Wyoming wishes to reinforce several points:

- 1) The FCC should continue to exempt campus and regional networks operated by colleges, universities and research institutions from CALEA.
- 2) There is not a significantly demonstrated need to include higher education’s networks under CALEA’s framework. Law enforcement requests seeking electronic surveillance at higher education institutions are extremely uncommon. Existing procedures are more than adequate to ensure prompt and adequate compliance with surveillance requests by law enforcement agencies.
- 3) To meet the needs of our researchers, the University of Wyoming, an institution with the highest Carnegie Foundation research classification, has a priority to maintain a flexible network architecture. Our networks often implement technology that is not proven or well supported in the marketplace. Changing the priority in the design of our network architecture from meeting research needs to meeting CALEA compliance would cause an unnecessary and detrimental shift away from the university’s mission.

- 4) Applying CALEA requirements to the University of Wyoming's network would unnecessarily add significant financial burden to the university that would likely have to be borne by the student body. The cost-to-benefit ratio of applying CALEA to higher education networks is not in the public interest. The cost of current and future compliance and the loss of flexibility in network design far outweigh the marginal and questionable additional value to law enforcement.
- 5) It is questionable that CALEA compliance can be maintained as technology continues to rapidly change. Without Federal funding mechanisms that protect institutions from ongoing expenses, the implied expectation that higher education continually upgrade networks to maintain compliance is unreasonable.
- 6) Clearly, Congress did not intend to apply CALEA to higher education. Expansion of CALEA to higher education should be allowed to be debated in a public, congressional forum.

CONCLUSION:

In the overall best interests of the public, the University of Wyoming respectfully urges the Commission to continue to exclude higher education's networks from CALEA requirements. If exclusion is not continued, we urge the Commission to suspend compliance deadlines until such time as the Commission may work to address this unfunded mandate through new Federal appropriations.

Respectfully submitted,



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